

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSEPH A. ELLIOTT, SR.,	:	CIVIL ACTION NO. 1:04-CV-1101
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
SUPERINTENDENT DONALD VAUGHN, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 30th day of November, 2006, upon consideration of plaintiff's motion for reconsideration (Doc. 161)¹, in which plaintiff fails to indicate under which rule of the Federal Rules of Civil Procedure he is seeking relief, and it appearing that Federal Rules of Civil Procedure Rules 52(b) ("Findings by the Court; Judgment on Partial Findings" "Amendment") and 59(e) ("New Trials; Amendment of Judgments" "Motion to Alter or Amend Judgment") are not available to plaintiff because any motion to alter or amend is required to be filed no later than ten days after the entry of the order, FED. R. Civ. P. 52(b), 59(e), and plaintiff's motion was filed more than ten days after the entry of the order, and it further appearing that he is not entitled to relief pursuant to Rule 60(b) ("Relief from Judgment or Order"), because it only allows a party to seek relief from a "final judgment, order, or proceeding," and the order challenged involves access to boxes

¹Plaintiff seeks reconsideration of this court's order of July 21, 2006 (Doc. 155) denying plaintiff's motion to compel production of fourteen boxes of legal property.

of legal material and does not encompass a final decision on the merits of the matter, see White v. New Hampshire Dep't of Employment Sec., 455 U.S. 445, 451, 455 (1982); Fincher v. Keller Indus., Inc., 905 F.2d 691, 692 (3d Cir. 1990), it is hereby ORDERED that the motion is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge